

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Luis A. Castro,

Petitioner

v.

State of Nevada, et al.,

Respondents

Case No. 2:24-cv-00389-APG-DJA

**Order Granting Extension of Time to  
Respond to Emergency Motion for  
Discovery to June 30, 2025**

[ECF No. 30]

Luis A. Castro has filed what he has styled as an emergency motion for discovery. ECF No. 28. The Federal Public Defender, counsel for Castro, states that her investigator has identified a potential alibi witness. The witness is incarcerated at Clark County Detention Center and is scheduled to be released this month. The FPD expresses concern that it may be difficult to reach the witness after he has been released from custody due to housing instability. The investigator met with the witness for the first time on May 6, 2025, and he signed his declaration on May 21, 2025. Two weeks later, on June 5, 2025, the FPD asked counsel for the respondents if she would agree to a deposition with Kroeger. Counsel did not agree.

The respondents have filed a motion for an extension of time to respond to the motion for discovery. ECF No. 30. Counsel for the respondents indicates that she is out of state on annual leave. She also disputes that there is an emergency, arguing that the FPD fails to explain why the witness will be difficult to reach later.<sup>1</sup> The court notes that two weeks passed between the time the investigator met with the witness and when the witness signed the declaration. Then an

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<sup>1</sup> Counsel for the respondents indicates that in her response she will challenge the motion for discovery on the bases that any claim arising from the potential alibi witness would be untimely, barred by *Tollet v. Henderson* because Castro pleaded guilty, unexhausted, and anticipatorily defaulted. ECF No. 30 at 2. She'll also argue that discovery is improper in light of *Shinn v. Ramirez*, 596 U.S. 366 (2022) and *Calderon v. United States District Court for the Northern District of California*, 98 F.3d 1102, 1106-07 (9<sup>th</sup> Cir. 1996).

1 additional two weeks passed before the FPD contacted counsel the for the respondents to ask if  
2 she would agree to the deposition. I find good cause to grant the brief extension counsel the  
3 respondents seeks.

4 I THEREFORE ORDER that the respondents' motion for extension of time to file a  
5 response to the emergency motion for discovery **[ECF No. 30] is granted. The deadline is**  
6 **extended to June 30, 2025.**

7 DATED this 16th day of June, 2025.

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ANDREW P. GORDON  
CHIEF UNITED STATES DISTRICT JUDGE